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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,019	03/02/2004	Eric Robert Shepherd	QMMARK 201.2	1317
7590	11/26/2007		EXAMINER	
Steven M. Hoffberg, Esq. MILDE & HOFFBERG, LLP Suite 460 10 Bank Street White Plains, NY 10606			SHIH, HAOSHIAN	
		ART UNIT	PAPER NUMBER	2173
		MAIL DATE	DELIVERY MODE	11/26/2007 PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/791,019	SHEPHERD ET AL.
	Examiner Haoshian Shih	Art Unit 2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 24 September 2007.  
 2a) This action is FINAL. 2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-21 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-21 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application
	6) <input type="checkbox"/> Other: _____

**DETAILED ACTION**

1. Claims 1-21 are pending in this application and have been examined in response to application filed on 09/24/2007.
2. Claim 21 is new.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 1-4 and 6-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Winneg et al. (Winneg, US 7,069,586 B1).**

5. As to **INDEPENDENT** claim 1, Winneg discloses a secure user interface method, for interacting with a user through a browser, comprising:

controlling the browser (col.4, lines 3-5) to request a document from a cooperative server (col.2, lines 15-17; course material documents are available on-line, and is navigable via a browser application such as Microsoft internet explorer), the browser providing data export support functionality (fig.1, “116”).

receiving data with the browser in response to the request; automatically determining, based on a type encoding of the received data, whether a secure browser or a normal browser is to be employed (col.9, lines 45-47, lines 53-55; col.10, lines 10-13; col.19, lines 62-65; a user sends a request to take an exam from a normal browser, the "exam taking application" determines and initiates a secure execution of a secure browser based on the user request, during the secure browser, unauthorized content cannot be executed successfully; fig.13, "179", fig.14, "228"; upon the termination of the secure browser, the system is restored back to its original/non-secure state), the secure browser having a set of functionality restricted with respect to the normal browser, to enhance security of a received document against data export (col.15, lines 56-61; customized template that prevents the user from initiate any external processes); receiving the secure content for presentation in the secure browser; and communicating an input from the user, through the secure browser, to a cooperative server (col.26, lines 6-10; a "password" is required to access the "secure content").

6. As to claim 2, Winneg discloses the step of limiting access of a user, with the secure browser, to documents outside of a specified set (col.16, lines 50-55; unauthorized contents are disabled from the display).

7. As to claim 3, Winneg discloses the step of authenticating the secure browser, to assure that the secure browser having the restricted set of functionality is available for presentation of secure content (col.15, lines 63-65; "customized template").

8. As to claim 4, Winneg discloses the secure browser lacks one or more of the following functions: print, save, cache, cut and copy (col.22, lines 52-59; "prevent the student from copying the information in the buffer to another location).

9. As to claim 6, Winneg discloses the secure browser restricts termination of execution of the secure browser (col.21, lines 28-33).

10. As to claim 7, claim 7 incorporates substantially similar subject matter as claimed in claim 6, and is rejected under the same rationale.

11. As to claim 8, claim 8 is a computer readable media claim of claim 3; it is rejected under similar rationale.

12. As to **INDEPENDENT** claim 9, claim 9 incorporates substantially similar subject matter as claimed in claim 1, and is rejected under the same rationale.

13. As to claim 10, Winneg discloses the secure browser provides restricted navigational functionality with respect to the navigational functionality of the insecure browser alone (col.12, lines 46-55).

14. As to claim 11, claim 11 incorporates substantially similar subject matter as claimed in claim 2, and is rejected under the same rationale.

15. As to claim 12, Winneg discloses the step of authenticating the secure browser at a remote server prior to presenting the secure content to ensure that the content will only be delivered in the secure browser (fig.8, "146", "158").

16. As to claim 13, Winneg discloses the secure browser prevents use of the following functions: save, copy, and navigate to unrestricted documents (col.11, 35-39; col.12, lines 52-53; disabling certain user input actions, (e.g., keyboard strokes, mouse clicks) and limiting navigation to only the application window).

17. As to claim 14, claim 14 incorporates substantially similar subject matter as claimed in claim 6, and is rejected under the same rationale.

18. As to claim 15, Winneg discloses the secure browser is initiated based on a type encoding of the received data (col.21, lines 13-15).

19. As to claim 16, claim 16 incorporates substantially similar subject matter as claimed in claim 1, and is rejected under the same rationale.

20. As to claim 17, Winneg discloses the secure browser is granted principal application level control over graphic user interface inputs from a user (col.12, lines 47-52).
21. As to claim 18, Winneg discloses the secure browser is granted exclusive control over graphic user interface functionality when invoked (col.12, lines 47-52).
22. As to claim 19, Winneg discloses the step of authenticating the server by the secure browser prior to presenting the secure content (col.8, lines 40; "login").
23. As to claim 20, claim 20 is a computer readable media claim of claim 6; it is rejected under similar rationale.

***Claim Rejections - 35 USC § 103***

24. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

25. **Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Winneg in view of Chang et al. (Chang, US 2002/0097416 A1).**

26. As to claims 5 and 21, Winneg does not disclose the secure browser renders text information as graphic objects.

In the same field of endeavor, Chang discloses renders text information as graphic objects (fig.1A, 110, 150; "raster").

It would have been obvious to one of ordinary skill in the art, having the teaching of Winneg and Chang before him at the time the invention was made, to modify the secure browser interface taught by Winneg to include text conversion taught by Chang with the motivation being to discourage cheating and to provide a secure exam-taking environment without the need for dedicated exam-taking computers (Winneg, col.3, lines 47-48).

#### ***Response to Arguments***

27. Applicant's arguments filed 09/24/2007 have been fully considered but they are not persuasive.

28. Applicant argues that Winneg does not disclose that a normal or insecure mode is also selectively available.

In response to applicant's argument, Winneg discloses entering a secure mode as selected by a user (col.10, lines 10-13) indicated that the user could choose to enter a

secure mode to take an exam or stay in the current normal mode and not take the exam.

29. Applicant argues that Winneg does not disclose automatically determining, based on a type encoding of the received data, whether a secure browser is to be employed.

In response to applicant's argument, Winneg discloses having users encoding their account type information such as their class name and professor field in order to determine which application to initiate (col.9, lines 45-47, 50-55).

30. Applicant argues that Winneg and Chang do not yield to previously disclosed motivation to combine because Chang does not relate to testing or assessments or security.

In response to applicant's argument, Chang discloses converting text object to graphic objects in order to ensure a consistent data display across a plurality of devices wherein a dedicated device or additional software are needed (Chang, [0025]). In combination with Winneg's teaching, Chang enhances the portability of a secure exam-taking environment without the need for dedicated exam-taking computers (Winneg, col.3, lines 47-48).

31. Features such as automatically determining, based on the MIME type and any file extensions defined for the MIME whether a secure browser is to be employed may reduce the ambiguity of the claim language of the independent claims and over come current prior art rejection.

### Conclusion

32. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

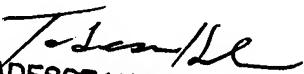
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haoshian Shih whose telephone number is (571) 270-1257. The examiner can normally be reached on m-f 0730-1700.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HSS

  
TADESSE HAILU  
PRIMARY EXAMINER